

Docket No.: 0933-0233PUS1  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Halina MILLER-PODRAZA et al.

Application No.: 10/501,786

Confirmation No.: 6363

Filed: July 19, 2004

Art Unit: N/A

For: NOVEL BINDING EPITOPES FOR  
HELICOBACTER PYLORI AND USE  
THEREOF

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Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated March 17, 2005,  
Applicant respectfully submits:

☒ Attached is a copy of the Notification of Missing Requirements (371 Formalities  
Letter).

☒ Attached is the Executed Declaration and Power of Attorney ☒ Original ☐  
Photocopy.

☐ The specification attached to the executed Declaration and Power of Attorney is a  
true copy of the specification that was filed in the U.S. Patent and Trademark Office on  
July 19, 2004, including any amendments thereto (if applicable) filed on even date  
therewith.

☒ The undersigned hereby declares that "Attorney Docket No. 0933-0233PUS1" on page 1 of the attached inventors' Declaration corresponds to Appl. No.10/501,786 filed July 19, 2004 entitled "NOVEL BINDING EPITOPES FOR HELIOBACTER PYLORI AND USE THEREOF".

☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.

See the attached Translator's Verification; or

The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.

☐ Attached are sheet(s) of drawings. Please substitute these replacement drawings for the corresponding sheet(s) of drawings on file in the above-identified application.

☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).

☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).

☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.

☐ Attached is a preliminary amendment.

☒ Attached is a Letter in response to the Notice regarding a Sequence Listing.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

Application No.: 10/501,786

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☐ Submitted concurrently herewith under separate cover for recording is an Assignment.

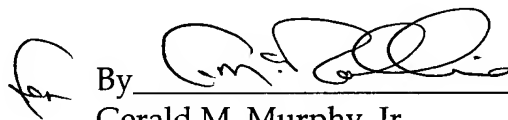
☐ Attached is a Petition for Extension of Time.

☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 17, 2005

Respectfully submitted,

By  #42.874  
Gerald M. Murphy, Jr.  
Registration No.: 28,977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Rd  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachment(s)



JC06 Rec'd PCT/PTO 17 MAY 2005

PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b> For FY 2005		<b>Complete if Known</b>	
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Application Number	10/501,786
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	July 19, 2004
		First Named Inventor	Halina MILLER-PODRAZA
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT (\$)		130.00	Attorney Docket No. 0933-0233PUS1

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify):	
<input type="checkbox"/> Deposit Account	Deposit Account Number: 02-2448
Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	Filing Fees	Small Entity	Search Fees	Small Entity	Examination Fees	Small Entity	Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
Fee Description	Fee (\$)	Small Entity	Fee (\$)	Small Entity			
Each claim over 20 (including Reissues)	50	25					
Each independent claim over 3 (including Reissues)	200	100					
Multiple dependent claims	360	180					
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims			
18	- 77 = 0	x 200 =	0	Fee (\$)	Fee Paid (\$)		
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
6	- 7 = 0	x 50 =	0				
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 =	/50	(round up to a whole number) x	=				
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							Fees Paid (\$)
Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration							130.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	28,977
Name (Print/Type)	Gerald M. Murphy, Jr.	Telephone	(703) 205-8000
		Date	May 17, 2005

05/19/2005 SNAJARRO 00000073 10501786

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

033-0233PUS1

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,786	Halina Miller-Podraza	0837-0180PUS1

INTERNATIONAL APPLICATION NO.	
PCT/FI03/00039	
I.A. FILING DATE	PRIORITY DATE

02292

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

*DOCKETED*

*Perfect/Sequence List*  
*5/17/05*

CONFIRMATION NO. 6363

371 FORMALITIES LETTER



\*OC000000015464729\*

Date Mailed: 03/17/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/19/2004
- Copy of the International Search Report filed on 07/19/2004
- Copy of IPE Report filed on 07/19/2004
- Copy of Annexes to the IPE filed on 07/19/2004
- Preliminary Amendments filed on 10/19/2004
- Biochemical Sequence Listing filed on 07/19/2004
- U.S. Basic National Fees filed on 07/19/2004
- Priority Documents filed on 07/19/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e),

1.821(f), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,786	PCT/FI03/00039	0837-0180PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Halina MILLER-PODRAZA et al. Conf.: 6363  
Appl. No.: 10/501,786 Group: UNKNOWN  
Filed: July 19, 2004 Examiner: UNKNOWN  
For: NOVEL BINDING EPITOPES FOR HELICOBACTER  
PYLORI AND USE THEREOF

LETTER IN RESPONSE TO NOTIFICATION  
OF MISSING REQUIREMENTS - SEQUENCE LISTING

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

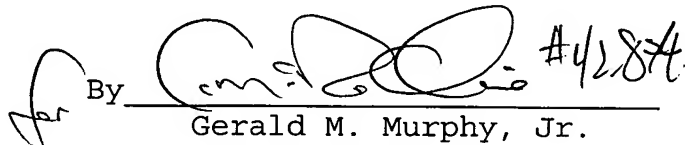
On March 17, 2005, the USPTO mailed to Applicant's representative a Notice of Missing Requirements Under 35 U.S.C. § 371 requiring a Sequence Listing to be filed.

Applicants respectfully submit that no Sequence Listing is needed in the above-identified application since no amino acid or nucleic acid sequences are disclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

for By  #42874  
Gerald M. Murphy, Jr.  
Registration No. 28,977

GMM/CAM:cms

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